

Alaska Refuges

Possible Statewide Regulatory Changes



Lisa Huppi/USFWS

Kodiak brown bear sow with cub.

National Wildlife Refuges (refuges) in Alaska are mandated to conserve species and habitats in their natural diversity and ensure that the biological integrity, diversity, and environmental health of the National Wildlife Refuge System are maintained for the continuing benefit of present and future generations of Americans. The U.S. Fish and Wildlife Service (USFWS) is proposing changes to the regulations governing Alaska refuges (under 50 CFR 36) to ensure that we are managing those refuges in accordance with our mandates and to increase consistency with other Federal laws, regulations, and policies. In addition, we aim to more effectively engage the public by updating our Public Participation and Closure Procedures to broaden notification and outreach methods, ensure consultation with Tribes and the State, provide for increased transparency in our decision-making, and to allow for additional opportunities for the public to provide input.

We recognize the importance of the fish, wildlife and other natural resources in the lives and cultures of Alaska Native peoples and in the lives of all Alaskans. These proposed regulatory changes would not change Federal subsistence regulations (36 CFR 242 and 50 CFR 100) or restrict taking of fish or wildlife under Federal subsistence regulations. The Alaska National Interest Lands Conservation Act (ANILCA) provides a priority to rural Alaskans for the nonwasteful taking of fish and wildlife for subsistence uses on refuges in Alaska. Under ANILCA all refuges in Alaska (except the Kenai Refuge) also have a purpose to provide the opportunity for continued subsistence use by rural residents, as long as this use is not in conflict with refuge purposes to conserve fish and wildlife populations and habitats in their natural diversity or fulfill international treaty obligations of the United States.

The changes we are considering would:

- Codify existing Federal mandates for conserving the natural diversity, biological integrity, and environmental health on refuges in Alaska in relation to predator harvest.

Predator control is not allowed on refuges in Alaska unless it is determined to be necessary to meet refuge purposes, federal laws, or policy and is consistent with our mandates to manage for natural and biological diversity and environmental health. The need for predator control must be based on sound science in response to a significant conservation concern. Demands for more wildlife to harvest cannot be the sole or primary basis for predator control on refuge in Alaska.

- Prohibit the following particularly efficient methods and means for non-subsistence (Federal) take of predators on refuges in Alaska due to the potential for cumulative effects to predator populations and the environment that are inconsistent with our mandates to conserve the natural and biological diversity, biological integrity, and environmental health on refuges in Alaska:
 - take of bear cubs or sows with cubs (exception allowed for resident hunters to take black bear cubs or sows with cubs under customary and traditional use activities at a den site October 15 – April 30 in specific game management units in accordance with State law)
 - take of brown bears over bait;
 - take of bears using traps or snares;
 - take of wolves and coyotes during the spring and summer denning season (May 1– August 9); and
 - take of bears from an aircraft or on the same day as air travel has occurred (take of wolves or wolverines from an aircraft or on the same day as air travel is already prohibited under current refuge regulations).
- Update the Public Participation and Closure Procedures. The following table summarizes the current regulations for the Public Participation and Closure Procedures and updates we are considering.

Public Participation and Closure Procedures

Current	Proposed Updates
Authority	
Refuge Manager may close an area or restrict an activity on an emergency, temporary, or permanent basis.	No updates
Criteria (50 CFR 36.42(b))	
Criteria includes: public health and safety, resource protection, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation, and other management considerations necessary to ensure that the activity or area is being managed in a manner compatible with refuge purposes.	Add conservation of natural and biological diversity, biological integrity, and environmental health to the current list of criteria.
Emergency closures or restrictions (50 CFR 36.42(c))	
Emergency closure may not exceed 30 days. Closure effective upon notice as prescribed in 50 CFR 36.42 (f) (see below for details). Closures related to the taking of fish and wildlife shall be accompanied by notice with a subsequent hearing.	Increase the period from 30 to 60 days, with extensions beyond 60 days being subject to nonemergency closure procedures (i.e. temporary or permanent). Closure effective upon notice as prescribed in 50 CFR 36.42 (f) (see below for details).
Temporary closures or restrictions (50 CFR 36.42(d))	
May extend only for as long as necessary to achieve the purpose of the closure or restriction, not to exceed or be extended beyond 12 months. Closure effective upon notice as prescribed in 50 CFR 36.42 (f) (see below for details). Closures related to the taking of fish and wildlife effective upon notice and hearing in the vicinity of the area(s) affected by such closures or restriction, and other locations as appropriate	The primary guidelines will still remain that the temporary closure or restriction may extend only for so long as necessary to achieve the purpose of the closure or restriction. Require a closure to be re-evaluated as necessary, at a minimum of every 3 years, to determine whether the circumstances necessitating the closure still exist and warrant its continuation. A formal finding will be made in writing that explains the reasoning for the decision. When a closure is no longer needed, action to remove it will be initiated as soon as practicable. The USFWS will maintain a list of refuge closures and publish this list annually for public review and input. Closure will be subject to notice procedures as prescribed in 50 CFR 36.42 (f) (see below for details). For closures related to the taking of fish and wildlife, consultation with the State and affected Tribes and Native Corporations, as well as the opportunity for public comment and a public hearing in the vicinity of the area(s) affected will be required.
Permanent closures or restrictions (50 CFR 36.42(e))	
No time limit. Closure effective after notice and public hearings in the affected vicinity and other locations as appropriate, and after publication in the Federal Register.	No time limit. For closures related to the taking of fish and wildlife, consultation with the State and affected Tribes and Native Corporations, as well as the opportunity for public comment and a public hearing in the vicinity of the area(s) affected will be required. Closures would continue to be published in the Federal Register.
Notice (50 CFR 36.42(f))	
Notice is to be provided through newspapers, signs, and radio.	Add the use of the Internet or other available methods, in addition to continuing to use the more traditional methods of newspapers, signs, and radio.

For more information, please visit:

http://www.fws.gov/alaska/nwr/ak_nwr_pr.htm

